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REMARKS

The drawings were objected to for being unclear as to how the track elements 36 travel along the guide elements 38 as well as for being unclear as to how the rails 26 are collapsible. The specification was objected to for being unclear as to how the rails 26 were collapsible, how the track elements 36 travel along the guide elements 38, the lack of a guide element 38 associated with the left side of track element 36 in Figure 2, and paragraph 19, line 3 only two mounting elements are illustrated. Claims 3 and 13 were rejected under 35 USC 112, first paragraph, as failing to enable collapsible rails. Claims 1-20 were rejected under 35 USC 112, first paragraph as failing to enable the storage surface to be movable between a first and second surface. Claims 1-20 were additionally rejected under 35 USC 112, second paragraph as having unreasonable breadth and therefore being unclear. Claims 1, 4-11, and 14-20 were rejected under 35 USC 102(b) as being anticipated by Haselgrove (US 5,417,358). Claims 1,2,4 and 8-10 were rejected under 35 USC 102(e) as being anticipated by Kim et al. (US 6,308,874). Claims 2 and 12 were rejected under 35 USC 103 (a) as being unpatentable over Haselgrove in view of Kim et al. Claims 3 and 13 were rejected under 35 USC 103(a) as being unpatentable over Haselgrove in view of Jansson of Parkins.

Objections to the Drawings and Specification

The Applicant respectfully traverses the Examiner's objections. The Applicant notes that in regards to the track 36 and guide 38 elements, the Examiner has stated that the applicant has provided no description of drawings to explain how this is performed. The Applicant respectfully notes that no specific embodiment of track/guide mechanical structure was claimed by the present invention. The Applicant further notes that anyone skilled in the mechanical arts would have ample knowledge to arrive at a vast array of track/guide embodiments. The Applicant respectfully notes that the claims have not been drawn to the specific mechanical structures of either the tracks or the guides. The prior art patents provide act as adequate support for the assumption that a wide variety of track/guide

arrangements have been known to those skilled in the art since prior to 1976. As to the left side of figure 2 requiring a secondary guide element, the Applicant submits that although a single guide element may be used to control the movable surface (as clearly shown), a rear guide housing the rear rail 26 is illustrated.

Similarly, the Applicant submits that adequate structure has been illustrated and described to support collapsible rails. No specific novel mechanical structure to allow collapse has been claimed by the present invention. It should be noted, however, that a wide variety of arrangements would be obvious to one skilled in the mechanical arts. Indeed, the prior art illustrates knowledge of such arrangements dating back to 1962 as evidenced by English patent 1,043,227. The Applicant further notes that drawings one through four clearly denote the rails pivoting about their attachments to the vehicle or tracks (respectively) and thus fully describing a collapsible rail.

Claims 24-34

The Applicant respectfully requests reconsideration of the patentability of the new claims 24-34. The Applicant notes that claims 24-34 have been rewritten to more adequately describe the bounds of the present invention. The Applicant, however, would like to address the Examiner's concerns regarding the adequacy of the claims in regards to 35 USC 112, first and second paragraph. The Applicant notes that the Manual of Patent Examining Procedures section 2164.01 specifically spells out the test for enablement stating that the disclosure when filed must contain "sufficient information regarding the subject matter of the claims as to enable one skilled in the art to make and use the claimed invention". Clearly the simple structures required to pivot a rail, or move a track along a guide are known by virtually all of those in the mechanical arts. Prior art alone establishes these practices to well beyond twenty years of published knowledge. No undue experimentation is needed to practice the present invention as disclosed. The present claims are not limited to any particular guide/track arrangement and as such no particular arrangement was disclosed. Similarly, although the guide rails are clearly illustrated as pivoting about their attachment points

The Applicant would also like to point out significant limitations that are not disclosed in the prior art but are claimed in new claims 24-34. The present invention claims a movable surface with two transport positions. This is supported adequately by the specification. The prior art patents discuss and disclose moving the storage surface to the side of the vehicle for loading, however they do not disclose securing it there for the purposes of transport in the side position. Furthermore, the present invention claims a locking mechanism that can be moved to a position flush with the side of the vehicle. This presents a significant advantage of side locking devices such as the Ernst patent (US 4,240,571). The present invention leaves the profile and appearance of the vehicle relatively unscathed while the storage surface is in the first transport position.

Secondly, the Applicant notes that the present invention claims the use of an end rail movable between a position in which it can be utilized to support luggage as well as a low profile position flush with the vehicle. This end rail is usable in these positions while the storage surface is in the second transport position. The prior art cited does not disclose or teach such a useful and novel limitation. (The Applicant also notes that this lays the foundation for the independent claim 30. Nor does the prior art teach placing slots in the track transport in order to provide a securing point for luggage. Finally, the Applicant would like to note that none of the prior art patents disclose utilize a moveable storage surface in combination with the collapsible rails as claimed by the present invention. This additional novelty adds unobvious benefits to the present invention, especially in light of the present inventions unique secondary transport position.

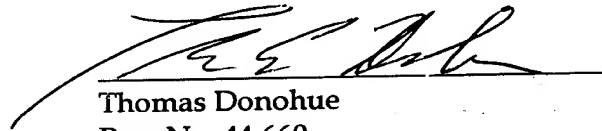
The Applicant therefore submits that the concerns of the Examiner towards claims 1-20 as disclosed in the present office action have been adequately addressed and relieved through the addition of new claims 24-34. The Applicant therefore kindly requests the Examiner to review new claims 24-34 in light of these changes and the aforementioned remarks.

CONCLUSION

The Applicant would like to thank the Examiner for his assistance. In light of the above amendments and remarks, Applicant submits that all objections and rejections are now overcome. Applicant has added no new material to the application by these amendments. The application is now in condition for allowance and expeditious notice thereof is earnestly solicited.

Should the Examiner have any questions or comments that would place the application in better condition for allowance, the Examiner is respectfully requested to call the undersigned attorney.

Respectfully submitted,



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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE DRAWINGS:

Please replace Figures 2, 3 & 4 with the attached amended drawing³.

IN THE SPECIFICATION:

Kindly replace paragraph ¹⁴16, page ³4 with the following:

[0016] The roof rack system 10 includes at least one storage surface 20. The use of a storage surface 20 for mounting objects for transport is well known in the prior art. The at least one storage surface 20 is movable between a first position 22, where the at least one storage surface 20 is generally coincident to the roof portion 14 of the automobile 12, and a second position 24 (see Figure 2), where the at least one storage surface 20 is generally parallel to the side portion 16 of the automobile 12. The capability of moving the at least one storage surface 20 from the first position 22 to the second position 24 provides a variety of benefits. A wide variety of known methods and configurations are known in the prior art that allow the at least one storage surface 20 to move between the first position 22 and the second position 24. These methods include track/guide arrangements, roller arrangements, ball bearing arrangements, and a variety of other known methods.

Kindly replace paragraph ¹⁸19, page 5 with the following:

[0019] The roof rack system 10 may additionally include a left end rail element 42 and a right end rail element 44 mounted on the left storage surface 32 and the right

storage surface 30, respectively. The left end rail element 42 and the right end rail element 44 serve a dual purpose. When the storage surface 20 is in the first position 22, the left end rail element 42 and the right end rail element 44 are positioned in conjunction with a plurality of collapsible rails 26 to form a basket 46 on the roof portion 14 of the vehicle 12. The basket 46 helps retain objects stored on the roof portion 14 of the vehicle 12 during transportation. Additionally, when the storage surface 20 is in the second position 24, the left end rail element 42 and the right end rail element 44 can serve as a base support (support position 56) for objects mounted on the side portion 16 of the vehicle. In other embodiments, however, the left end rail element 42 and the right end rail element 44 may be collapsed onto the storage surface 20 (low profile position 58) when in the second position 24 to minimize the width profile of the automobile 12. Although the rails 42,44 may be collapsed in any of a wide variety of known methods, one method contemplates pivoting the rails 42,44 at the contact point with the tracks 36.

Kindly replace paragraph 20, page 5 with the following:

[0020] The roof rack system 10 may further include a plurality of mounting elements 50. Although a variety of configurations are contemplated, in one embodiment the use of three mounting elements 50 is contemplated. It is contemplated that the mounting elements 50 may include latching areas 52. The latching areas 52 may be utilized as a convenient location to attach bungee cords or other securing straps commonly utilized to hold objects on the roof rack system 10. The present invention may further include a

locking mechanism 54 for securing the storage surface 20 in the second position 24. Although a variety of locking elements 54 are contemplated by the present invention, in one embodiment the locking element 54 is a pivoting lock that can remain flush (flush position 60) with the side portion 16 of the vehicle 12 while the storage position 20 is in the first position 22 (see Figure 1) and may be swung out to lock the storage surface 20 in the second position 24 (see Figure 2).

How?
latch?

IN THE CLAIMS:

Please cancel original claims 1-20 without prejudice.

Kindly add the following new claims 24-34:

24. (New) A roof rack system comprising:
a plurality of mounting elements affixed to the roof of a vehicle;

at least one storage surface slidably attached to said plurality of mounting elements, said at least one storage surface movable between a first transport position and a second transport position;

said first transport position defined by said at least one storage surface being generally coincident with a roof of a vehicle;

said second transport position defined by said at least one storage surface being generally coincident with a side of a vehicle; and

a locking mechanism securing said at least one storage surface in said second transport position, said locking mechanism movable to a position flush with the

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side of the vehicle when said at least one storage surface is in said first transport position.

25. (New) A roof rack system as described in claim 24, wherein said plurality of mounting elements include at least one guide element; and

wherein said at least one storage surface includes at least one track element, said at least one track element engaging said at least one guide element such that said at least one storage surface is slidably attached to said plurality of mounting elements.

26. (New) A roof rack system as described in claim 24 further comprising:

an end rail element mounted to said at least one storage surface, said end rail element rotatably movable between a support position and a low profile position, said low profile position minimizing the width profile of the vehicle.

27. (New) A roof rack system as described in claim 25 further comprising:

at least one securing slot formed in said at least one track element.

28. (New) A roof rack system as described in claim 24 wherein said at least one storage surface includes a plurality of slat elements.

29. (New) A roof rack system as described in claim 24 further comprising:

a plurality of collapsible rails.

30. (New) A roof rack system comprising:
a plurality of mounting elements affixed to the roof of a
vehicle;

at least one storage surface slidably attached to said
plurality of mounting elements, said at least one storage
surface movable between a first transport position and a
second transport position;

said first transport position defined by said at least
one storage surface being generally coincident with a roof
of a vehicle;

said second transport position defined by said at
least one storage surface being generally coincident with a
side of a vehicle; and

an end rail element mounted to said at least one
storage surface, said end rail element rotatably movable
between a support position and a low profile position, said
low profile position minimizing the width profile of the
vehicle.

31. (New) A roof rack system as described in
claim 30, wherein said plurality of mounting elements
include at least one guide element; and

wherein said at least one storage surface includes at
least one track element, said at least one track element
engaging said at least one guide element such that said at
least one storage surface is slidably attached to said
plurality of mounting elements.

32. (New) A roof rack system as described in claim 30 further comprising:

at least one securing slot formed in said at least one track element.

33. (New) A roof rack system as described in claim 30 wherein said at least one storage surface includes a plurality of slat elements.

34. (New) A roof rack system as described in claim 30 further comprising:

a plurality of collapsible rails.

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